

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
E. JEAN CARROLL,

Plaintiff,

-against-

20-cv-7311 (LAK)

DONALD J. TRUMP, in his personal capacity,

Defendant.
----- X

ORDER

LEWIS A. KAPLAN, *District Judge*.

In the government's letter of May 26, 2023 (Dkt 159), it quotes *Reedus v. McDonough*, Case No. 1:21-cv-357, 2023 WL 1778410 (N.D. Ind. Feb. 6, 2023), as follows:


"An amended complaint acts as a complete substitute for the original complaint and the case proceeds only on the allegations in the amended complaint. . . . Thus, when Plaintiff filed her amended complaint, that became the controlling document in the case. The Government's prior request to substitute itself for Dr. McBride under the Westfall Act . . . were rendered moot."

The government shall advise the Court on or before June 9, 2023, whether it is the government's position that the filing of an amended complaint in this case would render the government's previous Westfall Act certification ineffective and moot the government's motion to substitute itself for Mr. Trump under that Act.

The Court implies no determination or view as to whether plaintiff's motion for leave to amend the complaint should be granted or denied.

SO ORDERED.

Dated: June 1, 2023



Lewis A. Kaplan
United States District Judge